



Stephanie Rawlings-Blake  
Mayor

## PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

### STAFF REPORT



Thomas J. Stosur  
Director

July 8, 2010

**REQUEST:** Final Subdivision and Development Plan/Portion of Harbor Point PUD - 1000 Wills Street

**RECOMMENDATION:** Approval, with the following conditions:

- Subject to comments from the Department of General Services.
- Compliance with the requirements of the Chesapeake Bay Critical Area Program and the City's flood plain requirements.
- Provide written reciprocal easement agreement to cover the Lot 2-1 and Lot 2-2 parcels. The easement agreements should cover access, utilities, and building code, and building construction requirements. Additionally, these easement agreements must be recorded in the land records of Baltimore City.
- Compliance with Baltimore City Building Code requirements.
- All improvements to the newly created properties will have to come back to the Planning Commission at a later date for Final Development Plan Approval and Final Design Approval prior to the issuance of any building permits.

**STAFF:** Ervin McDaniel

**PETITIONER:** Harbor Point Development, LLC

**OWNERS:** Honeywell International, Inc. and Mayor and City Council of Baltimore

### **SITE/GENERAL AREA**

Site Conditions: The Harbor Point PUD is a mixed use development and includes residential, hotels, offices, retail and institutional uses. The Harbor Point Planned Unit Development (PUD) is the 26-acre site bound by Caroline Street on the east, Thames Street and the water on the south, the harbor on the west and the Living Classroom site/Lancaster Street on the north. The portion of the PUD that is the subject of the proposed consolidation and subdivision is the western portion of the PUD or the 1000 Wills Street property. The site is currently paved and is improved with a small water transfer building for environmental testing purposes located on the northern portion of the property. An environmental remediation concrete cap covers the majority of the 1000 Wills Street property. The property is zoned B-2 and is within the Chesapeake Bay Critical Area and the City's Flood Plain.

General Area: The Harbor Point PUD project site is on the western edge of the Fells Point Historic District. To the east of the site is the heart of Fells Point, to the north Inner Harbor

East and the Living Classrooms main campus, to the west and south is water. The 1000 Wills Street property occupies the western portion of the PUD site. The eastern portion of the PUD site contains the newly completed Thames Street Wharf office building. This is a 260,000 square foot building with ground level retail and temporary surface parking. Morgan Stanley is the major tenant for this building.

#### **HISTORY:**

- Ordinance #93-260, approved August 1993, established the Allied and related sites Planned Unit Development.
- Ordinance #04-0682, approved May 10, 2004, repealed the original Allied PUD and replaced it with the Harbor Point PUD
- On May 18, 2006, the Planning Commission approved a Minor Amendment and Final Design Approval for the Thames Street Wharf Building and Street Closings for Dock, Willis, Block and Philpot Streets within the Harbor Point PUD
- Ordinance #07-429, approved May 17, 2007, implemented the rezoning for Historic Southeast Baltimore
- Ordinance #07-555, approved November 26, 2007, established Fells Point as a Baltimore City Local Historic District
- Ordinance #07-569, approved November 27, 2007, re-established the Fells Point Waterfront Urban Renewal Plan
- Ordinance #07- 625, approved December 3, 2007 amended the Development Plan of the Harbor Point PUD
- Ordinance #08- 16, approved May 27, 2008 amended the Development Plan of the Harbor Point PUD

#### **CONFORMITY TO PLANS**

The subdivision and development plan for 1000 Wills Street is consistent with the Harbor Point PUD.

#### **ANALYSIS**

The applicant is proposing the horizontal and vertical subdivision of the property identified as Lot # 2 on the proposed subdivision plat. Proposed Lot #2 is comprised of the 1000 Wills Street property (a.k.a. Lot 001 of Block 1815), a portion of Wills Street right-of-way that has been closed, but not yet conveyed, the newly created fast land known as adjoining land, the newly created fast land known as the Canal Parcel. Additionally, the applicant is creating Lot #3 and Lot #4, which are also newly created fast land.

##### Horizontal Subdivision:

- Lot #2: The new Lot 2 parcel will be  $\pm 18.046$  acres in size and is the consolidation of Lot #1 of Block 1815 ( $\pm 15.080$  acres), "Adjoining Land" ( $\pm 1.452$  acres), Wills Street r-o-w ( $\pm 1.198$  acres) and "Canal Parcel" ( $\pm 0.317$  acre). This property will be addressed 1000 Wills Street. This property is or will be owned by Honeywell International, Inc. This parcel will also be vertically subdivided.
- Lot 3: The new Lot 3 parcel is  $\pm 0.149$  acre in size and is newly created fast land. This property will be known as 870 S. Caroline Street. This property will be conveyed to Honeywell International, Inc.

- Lot 4: The new Lot 4 parcel is + 0.860 acre in size and is newly created fast land. This property will be known as 850 S. Caroline Street. The City will retain ownership of this property. Additionally, the City plans to lease this property to its tenant to the north, the Living Classroom Foundation.

Vertical Subdivision of Lot #2: The Lot #2 property is encumbered with an environmental remediation concrete cap covered with soil. This below surface facility, for the most part, is not to be disturbed. This facility was provided to mitigate contaminates resulting from the previous use of this property by the Allied Chemical Company. Thus, the Lot #2 parcel is being subdivided into two vertical parcels; a sub-surface parcel (Lot #2-1) and a surface and airspace parcel (Lot #2-2).

- Lot #2-1 (Sub-Surface Parcel): The Lot #2-1 parcel is  $\pm$  18.046 acres in size and will extend from a below grade point as shown of the subdivisions plats to encompass all subterranean areas. This parcel will be retained by Honeywell International, Inc. and will be encumbered by easements to the surface and airspace parcel (Lot #2-2) for subsurface construction of pilings and various other support structures. The Lot #2-1 parcel will be known as 1000 Wills Street.
- Lot #2-2 (Surface and Airspace Parcel): The Lot #2-2 parcel is  $\pm$  18.046 acres in size and will extend from a surface elevation point upwards to infinity as shown on the proposed subdivision plat. This parcel will be encumbered by an easement to the owner of Lot #2-1 for ingress and egress and to maintain and service, and to inspect the service building and environmental remediation systems. The Lot 2-2 parcel will be sold to the applicant, Harbor Point Development, LLC and will be the applicant's building development site. The address of the Lot #2-2 will be 1100 Wills Street.

The applicant is working with the Baltimore Development Corporation in order to secure Tax Increment Financing (TIF) for necessary public infrastructure improvements for the Harbor Point PUD project. However, in order to secure TIF funding, a Tax Increment Finance Development District and Special Tax District has to be created. Thus, the creation of Lot #2-2 (Surface and Airspace Parcel), provides a development parcel and identifies a legal property entity that can be used to establish a TIF Development District which separates the newly created parcel and future development from the contaminated property below. Once the vertical subdivision of the Lot #2 parcel is approved and the Lot #2-2 (surface and Airspace Parcel) is created the applicant can pursue securing the necessary TIF legislation for TIF funding.

The following is staff review of this project:

- Site Plan: The site plan for this project is an existing conditions plan that shows temporary trailers and a small water transfer building for environmental purposes.
- Subdivision Rules and Regulations: The horizontal subdivision that will create Lots #2, 3 and 4 is consistent with the City's rules and regulations regarding land consolidation and subdivisions of land within Baltimore City. The parcels will have frontage on public or private streets and separate utilities. The vertical subdivision of Lot #2 and the creation of Lot 2-1 (Sub-Surface Parcel) and Lot 2-2 (Surface and Airspace Parcel) is consistent with the City's Rules and regulations regarding subdivisions within Baltimore City. The

parcels will have frontage on public or private streets and separate utilities. The two parcels will be covered by reciprocal easement agreements and the agreements should be recorded in the Baltimore City Land Records.

- Development Plan: The applicant is only showing existing conditions at this time. Thus, all future development plans for newly created parcels will have to come back the Planning Commission for Final Development Plan Approval. Additionally, the Planning Commission will also have to provide Final Design Approval for all projects on the newly created parcels.
- Flood and Critical Area: The site is within the Chesapeake Critical Area and the flood plain. The approvals for the Critical area and floodplain were approved as part of the original PUD.
- Zoning Code: The PUD governs the use of all properties with PUD area. At this time, only the subdivisions are occurring. Thus, a review of PUD compliance is not necessary at this time

The Fells Point Task Force, Douglass Place, Fells Point Homeowner, Broadway Business Assoc. Fells Point Development corp., Fell Prospect, Upper Fells Point, Fells Point Main Street and 1400 Lancaster Condominium Assoc. have been notified about the Final Subdivision and Development Plans for 1000 Wills Street.

**Thomas J. Stosur**  
**Director**